

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2808
)	
RICHARD SETTLES, D.O.)	FINDINGS OF FACT,
Holder of License No. 2686)	CONCLUSIONS OF LAW
for the practice of osteopathic)	AND BOARD ORDER
medicine in the State of Arizona.)	
_____)	

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") for final consideration and decision at the Board's public meeting held on May 18, 2002. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Investigative Hearing on May 18, 2002. During the course of these proceedings, Richard Settles, D.O. (hereinafter "Respondent") was present.

Based upon Respondent's testimony and documentary evidence submitted to the board, the Board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF

1. Respondent is a licensee of the Board and the holder of License No. 2686.
2. On or about June 21, 2000, the Board received information alleging questionable care with Respondent's treatment of patient K.G.'s allergies with injections of Kenalog monthly from approximately August 1997 through April 1998, resulting in cataracts.
3. The review of patient K.G.'s medical records showed did not show that K.G. was adequately informed of the risks and possible complication of I. M. steroid injections. The records were determined to be vague as to charting of dates, strengths or amounts of Kenalog. The nurse practitioner also did not sign notes in the charts.

4. The problems of the use of Kenalog, especially long term was discussed by the Board during its May 18, 2002 open meeting. While it may be within the standard of care for family practitioners to use Kenalog injections for the treatment of allergies, these are only given approximately 1-2 times per year.

4. At the Board's May 18, 2002 open meeting, the Board heard testimony from Respondent. Respondent acknowledged that he did not see patient K.G. regularly but his nurse practitioner usually treated patient K.G. However, Respondent felt that lower doses Kenalog given more frequently was acceptable. Respondent also acknowledged the problems with his record keeping at that time but felt it had improved since.

5. In public session the Board voted on May 18, 2002 that Respondent's license be censured and Respondent placed on probation for one year for quarterly chart reviews and additional continuing medical education classes dealing with allergies and steroid use and authorized the Board's Executive Director to sign and issue a Board Order regarding Respondent that follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, *et seq.*, the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into an order for disciplinary action against a licensee, pursuant to A.R.S. § 32-1855.

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violation federal and state statutes and regulations:

(6) Engaging in the practice of medicine in a manner that harms or may harm a

- patient or that the Board determines falls below the community standard.
- (36) Lack of or inappropriate direction, . . . or supervision of a licensed, certified or registered health care provider or office personnel employed by or assigned to the physician in the medical care of patients.
- (40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Richard Settles, D.O. ("Respondent") be issued a **DECREE OF CENSURE** for lack of documentation and discrepancies in a patient's file leading to the potential misuse of Kenalog in treating allergies and lack of supervision of a nurse practitioner involved with the patient.
2. Respondent's shall also be placed under **PROBATION** for **ONE (1) YEAR** and he shall comply with the terms and conditions of probation as set forth herein:
3. Respondent shall undergo quarterly chart reviews by the Board's staff or designee. The random chart review shall consist of a minimum of ten charts. The chart reviews will insure appropriate record keeping.
4. Respondent shall take an additional Thirty (30) hours of continuing medical education in the areas of the diagnosis and treatment of allergies and the usage of steroid.
5. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.
6. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-

1825.

7. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined in A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 31 day of July, 2002.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Joyce Kossick
Joyce Kossick, Acting Executive Director
9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258
(480) 657-7703

Notice of Request for Rehearing:

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Specify in detail and with particularity at least one of the seven grounds that apply to your request for rehearing or review, as mandated by A.A.C.R4-22-106(C). A request for rehearing or review shall be a prerequisite to exhaust your administrative remedies pursuant to A.R.S. § 41-1092.09.

Served by personal service or
sending U.S. certified mail this
1st day of August, 2002, to:

Richard Settles, D.O.
10752 N. 89th Pl. #218
Scottsdale, AZ 85260

Copy mailed this 1st day of August, 2002, to:

Blair Driggs, Esq.
Assistant Attorney General
Office of the Attorney General

1275 W. Washington, CIV/LES
Phoenix, AZ 85007 (with enclosure)

Celina Shepherd

LES/367351